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US DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE No. 3:19-cv-0075-KDB

BRIAN GREEN

Plaintiff,

vs.

**BROCK & SCOTT, PLLC;
K. SAANVAL AMIN,**

Defendants.

**SECOND AMENDED COMPLAINT
FOR VIOLATIONS OF THE FDCA
-AND-
BRIAN GREEN AFFIDAVIT IN
SUPPORT OF SECOND AMENDED
COMPLAINT**

COME NOW, Plaintiff Brian Green in the above – entitled and numbered cause, and files
this Second Amended Complaint and Affidavit as follows:

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Brian Green vs. brock/amin 2nd Amended Complaint Cover letter

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE No. 3:19-cv-00075-KDB**

BRIAN GREEN

Plaintiff,

vs.

**BROCK & SCOTT, PLLC;
K. SAANVAL AMIN,**

Defendants.

TRAIL BY JURY DEMANDED

SECOND AMENDED COMPLAINT FOR VIOLATIONS OF THE FDCPA

I. INTRODUCTION

1. Plaintiff brings this action for damages based upon Defendants violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692 *et seq.* Plaintiff removes Defendant Wells Fargo Bank, N.A. from Original Complaint, First Amended Complaint, and adds Defendant K. Saanval Amin to Second Amended Complaint. Plaintiff seeks to recover statutory damages, out-of-pocket actual damages, costs and attorney fees.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court, over this action and the parties herein, arises under 15 U.S.C. § 1692k(d) (FDCPA) and 28 U.S.C. §1331.
3. Venue and personal jurisdiction lies in the Western District of North Carolina as Plaintiff's claim arose from acts of the Defendants perpetrated therein.

III. PARTIES

4. Plaintiff Brian Green ("Green") is a natural person who resides in Union County, North Carolina.

5. Mr. Green is a “consumer” as defined as any natural person obligated or allegedly obligated to pay any debt as defined in Section 803(6) of the FDCPA 15 U.S.C. § 1692a(3).
6. Defendant Brock & Scott, PLLC (“Brock”) is a professional limited liability company, with office at 1315 Westbrook Plaza Drive, Suite 100, Winston-Salem, NC 27103, who is engaged in the business of attempting to collect a “debt” as defined in Section 803(6) of the FDCPA 15 U.S.C. §1692a(5).
7. Defendant K. Saanval Amin (“Amin”) is a natural person, a licensed attorney, and was an employee of Brock & Scott, PLLC, 1315 Westbrook Plaza Drive, Suite 100, Winston-Salem, NC 27103, email Saanval.Amin@brockandscott.com, at the time of the unlawful collection activity complained of herein.
8. Attorneys Brock and Amin (collectively referred to as “Defendants”) are adult individuals doing business in the State of North Carolina.
9. Brock collects or attempts to collect debts owed or asserted to be owed or due another.
10. Defendants are “debt collector(s)” as that term is defined by Section 803(6) of the FDCPA 15 U.S.C. § 1692a(6).
11. Brock acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

IV. FACTUAL ALLEGATIONS

12. Sometime prior to June, 2018, Mr. Green incurred an alleged debt through the use of a credit card account with Wells Fargo Bank, N.A. (“Wells”).
13. The Wells alleged credit card was used primarily for personal, family, and household purposes.

14. Mr. Green subsequently defaulted on the alleged Wells credit card account.
15. In 2018, Wells hired Brock to bring legal action against Mr. Green to collect on the alleged credit card account.
16. On or about August 23, 2018, Brock filed a civil complaint on behalf of Wells in the Union County District Superior Court seeking to collect the alleged defaulted credit card account from Mr. Green at 113 Indian Trail Rd N, Ste 280, Indian Trail, NC 28079.
17. On or about September 28, 2018, Brock filed a 2nd civil complaint on behalf of Wells in the Union County District Superior Court seeking to collect the alleged defaulted credit card account from Mr. Green at 2024 Holly Villa Cir, Indian Trail, NC 28079.
18. On or about October 8, 2018, Mr. Green was served a civil complaint by Wells from the Union County Sheriff Deputy at 2024 Holly Villa Circle, Indian Trail, NC 28079.
19. On October 15, 2018, Defendants received Mr. Green's first (1st) certified response for Motion to Dismiss; Notice of Dispute mailed from Mr. Green legal mailing address 113 Indian Trail Rd. N., Suite 280, Indian Trail, NC 28079 [USPS Tracking # 7017 1000 0000 8379 4892].
20. On October 25, 2018, Defendants received duplicated second (2nd) certified response for Motion to Dismiss, Notice of Dispute mailed from Mr. Green legal mailing address at 113 Indian Trail Rd. N., Suite 280, Indian Trail, NC 28079 [USPS Tracking # 7018 0040 0000 4308 8702].
21. On about November 2, 2018, Mr. Green received an opened large 8 x 10 yellow packaged from a third party named Brian Green, dated October 30, 2018. The third party Brian Green opened and read the content of the envelope exposing Mr. Green personal and confidential information. The Defendants mailed confidential information to: Brian

Green, 2024 Holly Villa Circle, Indian Trail, NC 28079 as shown in Exhibit A. (*See* Brian Green Affidavit in Support of Second Amended Complaint).

22. On November 7, 2018, Defendants received a third (3rd) certified response for Motion to Dismiss, Notice of Dispute mailed from Mr. Green mailing address at 113 Indian Trail Rd. N, Suite 280, Indian Trail, NC 28079 [USPS Tracking # 7018 0040 0000 4310 0350].
23. Again, on or about December 3, 2018, an 8 x10 large envelope was mailed to Brian Green, 2024 Holly Villa Circle, Indian Trail, NC 28079. The parcel was refused by third party Brian Green and returned back to sender Defendant Brock and Scott, PLLC, 1315 Westbrook Plaza Drive, Winston-Salem, NC 27103 with the following message written on large envelope: RTS “Return to sender, wrong address” as shown in Exhibit B.
24. Again, on or about February 7, 2019, an 8 x10 large envelope was mailed to Brian Green, 2024 Holly Villa Circle, Indian Trail, NC 28079. The parcel dated January 31, 2019, was refused again by third party Brian Green, and returned back to sender Defendant Brock and Scott, PLLC, 1315 Westbrook Plaza Drive, Winston-Salem, NC 27103 with the following message written on envelope: “Not At This Address” as shown in Exhibit C.
25. Defendants actions as outlined above were intentional, willful, and in gross or reckless disregard of Mr. Green’s rights and privacy, and part of Defendants persistent and routine practice of debt collection. In the alternative, Defendants actions were highly offensive and negligent.
26. Defendants actions as outlined above constitute conduct highly offensive to a reasonable person causing his rights of privacy to be violated, and as a result of Defendants behavior Mr. Green suffered and continues to suffer injury including, but not limited to Mr.

Green's feelings, personal humiliation, frustration, anxiety, embarrassment, and mental anguish.

V. FIRST CAUSE OF ACTION

Violation the Fair Debt Collection Practices Act

27. Mr. Green repeats , re-alleges, and incorporates by reference the foregoing paragraphs as though fully pleaded herein;
28. Mr. Green is a consumer within the meaning under 15 U.S.C. § 1692a(3);
29. Mr. Green did not receive a written communication notice from Brock for an alleged debt owed Wells within the meaning under U.S.C. 15 § 1692g(a)(3) as shown in Brian Green Affidavit in Support of Second Amended Complaint ¶ 6;
30. Defendants communicated to a third party by the conveying of information regarding a debt directly or indirectly to any person through any medium within the meaning under U.S.C. 15 § 1692a(2);
31. Defendants violated 15 U.S.C. §1692c(b) when Defendants communicated with a third party name Brian Green in connection with the collection of an alleged debt, with any person other than Mr. Green.
32. Defendants used false, deceptive, and/or misleading representations and/or means in connection with the collection of the alleged debt from Mr. Green within the meaning under 15 U.S.C. § 1692e(10);

VI. COUNT I

VIOLATIONS 15 U.S.C. § 1692c(b)

33. Mr. Green repeats and re-alleges each and every allegation contained above.
34. A "communication" is defined as the conveying of information regarding a debt directly or indirectly to any person through any medium as defined in U.S.C. § 1692a(2).

35. 15 U.S.C. § 1692c(b) provides that a debt collector may not communicate with third parties in connection with the collection of any debt, except to obtain location information, without the prior consent of the consumer given directly to the debt collector, or the express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a post judgment judicial remedy.
36. Defendants violated 15 U.S.C. § 1692c(b) by communicating with a third party after receiving multiple written correspondence from Mr. Green with his legal mailing address.

**VII. COUNT II
VIOLATIONS 15 U.S.C. § 1692e(10)**

37. Mr. Green repeats and re-alleges each and every allegation contained above.
38. Defendants violated 15 U.S.C. § 1692e(10) by using false representations or deceptive practices in connection with the collection of an alleged debt from Mr. Green.

**VIII. COUNT III
VIOLATIONS 15 U.S.C. § 1692g(a)(3)**

39. Mr. Green repeats and re-alleges each and every allegation contained above.
40. Defendants violated 15 U.S.C. § 1692g(a)(3) by not communicating with a written notice of an alleged debt and giving Mr. Green thirty days after receipt of notice to dispute the validity of the alleged debt.

**IX. COUNT IV
VIOLATIONS 15 U.S.C. § 1692k(a)(2)(A)**

41. Mr. Green repeats and re-alleges each and every allegation contained above.
42. Mr. Green has suffered out-of-pocket actual damages including and not limited to fees for certified mailing, traveling to and from Union County District Court house, drive to and from post office, paper, ink and time.

**X. COUNT V
VIOLATIONS INVASION OF INDIVIDUAL PRIVACY**

43. Mr. Green repeats and re-alleges each and every allegation contained above.
44. Defendants continued to mail confidential and financial information to Mr. Green's residential address after learning about Mr. Green's legal mailing address which caused his privacy to be violated causing injuries not limited to low self esteem, personal humiliation, frustration, anxiety, embarrassment, and mental anguish.

XI. DEMAND FOR TRIAL BY JURY

Mr. Green hereby demands a trial by jury of all issues so triable as matter of law.

XII. PRAYER FOR RELIEF

WHEREFORE, Mr. Green requests that judgment be entered in his favor and against each and every Defendant for:

- a) An Order of this Court declaring that Defendants practices violate the FD CPA;
- b) Statutory damages of \$1,000 as to each Defendant pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- c) Actual out-of-pocket-damages in an amount to be proven at trial as to each Defendant, pursuant to 15 U.S.C. § 1692k(a)(1);
- d) Awarding Mr. Green any attorney fees if deemed necessary;
- e) Awarding such other and further relief as the Court may deem just and proper.

DATED February 29, 2020

Respectfully Submitted,



Brian Green
113 Indian Trail Rd N, Suite 280
Indian Trail, North Carolina 28079

201.873.2037
briangreen350@gmail.com

WORD COUNT CERTIFICATION

The undersigned certifies that the memorandum does not exceed 4,500 words of allowed text.

Respectfully Submitted,



Brian Green
113 Indian Trail Rd N, Suite 280
Indian Trail, North Carolina 28079
201.873.2037
briangreen350@gmail.com
Plaintiff *pro se*

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE No. 3:19-cv-0075-KDB**

BRIAN GREEN

Plaintiff,

vs.

**BROCK & SCOTT, PLLC;
K. SAANVAL AMIN,**

Defendants.

**AFFIDAVIT OF BRIAN GREEN
IN SUPPORT OF SECOND AMENDED COMPLAINT**

I, Brian Green (Affiant), am a natural person, of legal age, competence and of sound mind, hereby affirm that I prepared and have read this affidavit, and that I believe the foregoing statements in this affidavit to be true and correct. I hereby further affirm that the basis of these beliefs is my own direct knowledge of the statements described herein:

1. Affiant states his legal mailing address is: 113 Indian Trail Road N, Suite 280, Indian Trail, NC 28079 since May 2017;
2. Affiant states there are two (2) Brian Greens with a legal residential address at 2024 Holly Villa Circle, Indian Trail, NC 28079;
3. Affiant states on or about November 2, 2018, he received an opened 8x10 yellow envelope from a third party Brian Green with a return mailing address from Brock and Scott, PLLC, 1315 Westbrook Plaza Drive, Winston Salem, NC 27103 with stamped postage date of October 30, 2018;

4. Affiant states all written communication to Brock & Scott, PLLC has his address as:
Brian Green, 113 Indian Trail Rd N. Suite 280, Indian Trail, NC 28079;
5. Affiant states all written communication to Union County Superior Court has his address
as: Brian Green, 113 Indian Trail Rd N. Suite 280, Indian Trail, NC 28079;
6. Affiant states he never received a collection letter or any communication from Brock &
Scott, PLLC in regards to an alleged debt owed or due owed to Wells Fargo Bank, N.A.

Acknowledgement of Affidavit

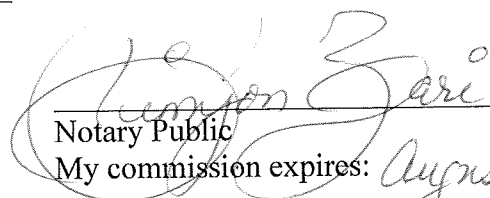


Affiant

On the 29th of February, 2020, Brian Green personally came before me, the above name
Affiant who proved his identity to me to my satisfaction, and he acknowledged his signature on
this affidavit in my presence and stated that he did so with full understanding that he was subject
to the penalties of perjury.

Union County, North Carolina

Date: February 29, 2020



Notary Public
My commission expires: August 17, 2022

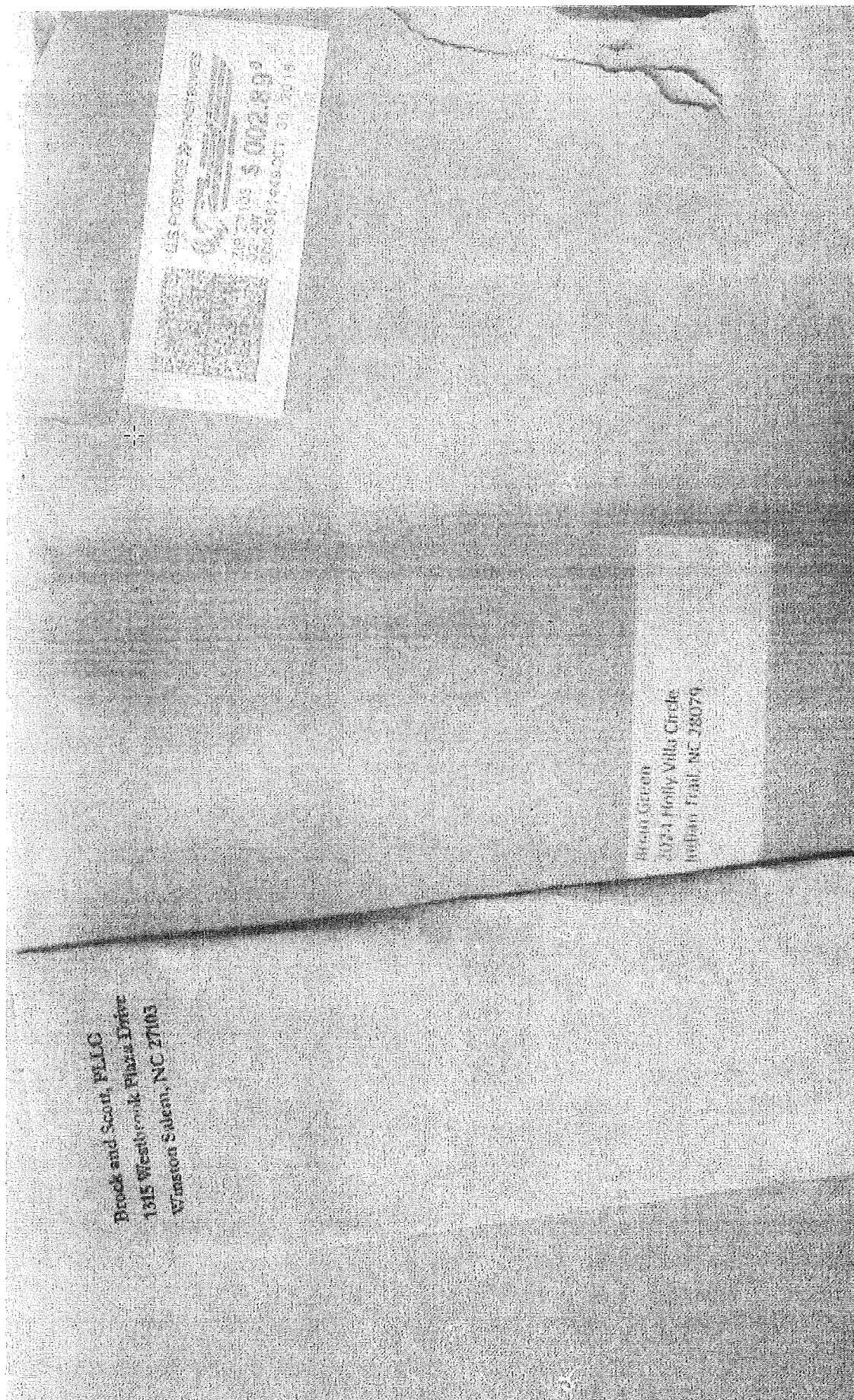



EXHIBIT A

2



11 Sept 1962

[The following text is extremely faint and largely illegible due to low contrast and noise. It appears to be a list or index of items.]

BRI
2024 HO
INDIAN*

THE UNIVERSITY OF CHICAGO

EXHIBIT B

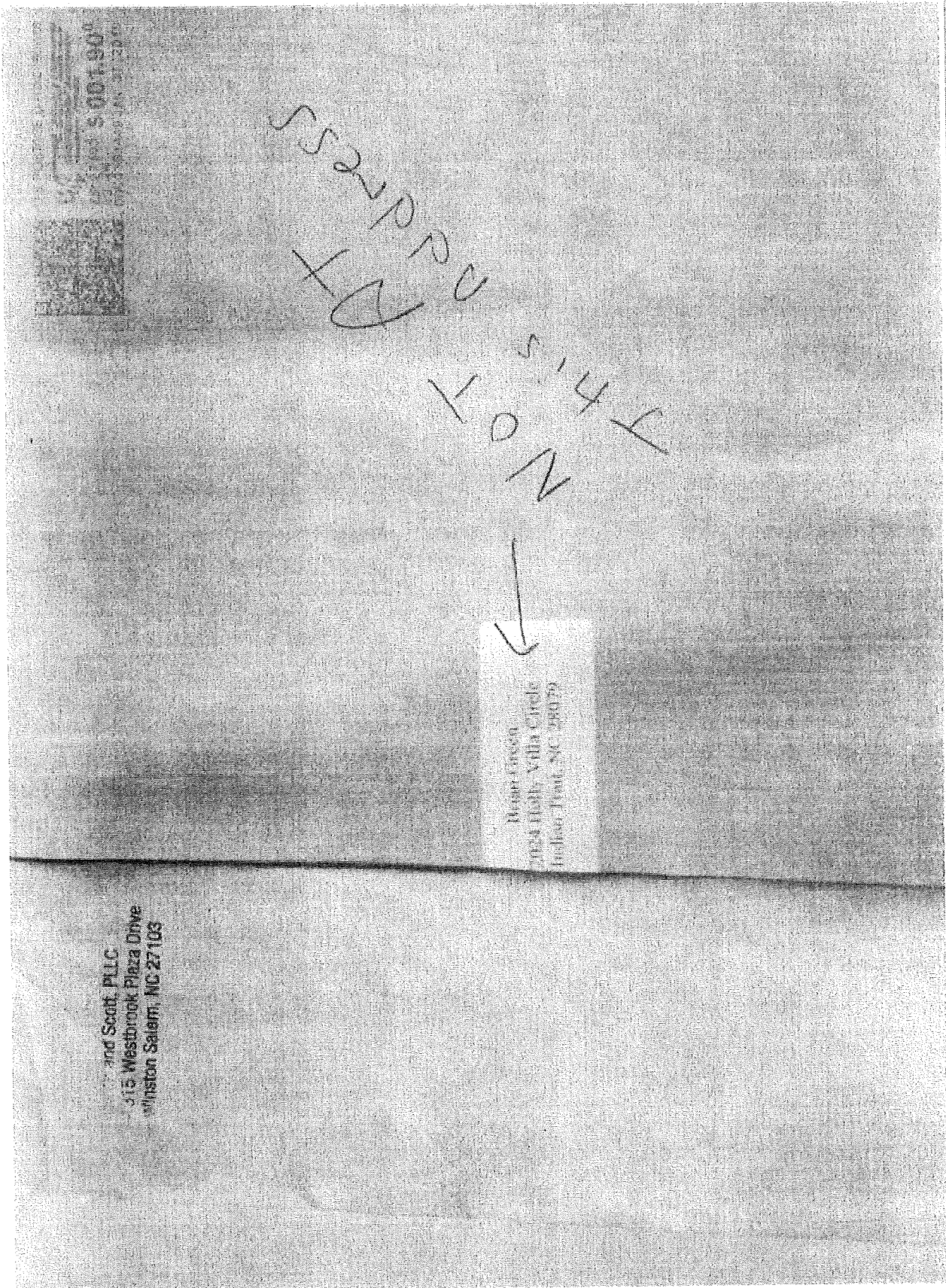


EXHIBIT C

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE No. 3:19-cv-00075-KDB**

BRIAN GREEN

Plaintiff,

vs.

**BROCK & SCOTT, PLLC;
K. SAANVAL AMIN,**

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2020, I placed a copy of the Second Amended Complaint for Violations of the FDCPA in the United States mail, first class postage prepaid addressed as follows:

Brock & Scott, PLLC
1315 Westbrook Plaza Drive
Winston-Salem, NC 27103

Respectfully Submitted,



Brian Green
113 Indian Trail Rd N, Suite 280
Indian Trail, North Carolina 28079
201.873.2037
briangreen350@gmail.com